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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,892	01/22/2004	Yasuo Noda	9448-150US (G0314US)	5453
570	7590	07/08/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			CHAU, MINH H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,892

Applicant(s)

NODA, YASUO

Examiner

Minh H. Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/22/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 8 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Tomidokoro et al. (US # 5,722,029).

With respect to **claim 1**, Tomidokoro et al. teach an image forming apparatus comprising a medium-width detector (234-239) that detects a width of a page of print medium and a CPU or a controller (101) that controls the medium-width detector to detect the width of the page of print medium upon detection of a predetermined condition (col. 8, lines 24+). The CPU (101) controls the medium-width detector (234-239) to detect the width of the page when called by a main routine. It is clear to one of skill in the art that this teaching meet the recitation of "a predetermined condition" as broadly recited in claim 1 (see Figs. 1-4, 15 and cols. 4-8).

With respect to **claim 8**, Tomidokoro et al. teach in cols. 5-8 that when a user start a copy or printing operation, the CPU or a controller (101) is called by a main routine, the controller (101) then controls the sensor or medium-width detector (234-239) to detect the size, which includes the length and the width of sheets in the

cassette or tray (36), this detection is also include the detection of the first page or sheet for the copy or printing operation. It is clear one of skill in the art that the above teaching meet the language of "when a print job ... in the print job" as recited in claim 8.

With respect to **claim 11**, Tomidokoro et al. teach an image forming apparatus comprising a medium-width detector (234-239) that detects a width of a page of print medium held in a cassette (36-38) and a CPU or a controller (101) that controls the medium-width detector, wherein when the controller switches from a first cassette to a second cassette (col. 8, lines 24+), the controller controls the medium-width detector to detect the width of a first page of print medium supplied from the second cassette (see Figs. 1-4, 15 and cols. 4-8). The controller (101) controls the medium-width detector to detect the size, which includes the length and the width of the sheets in the second cassette or tray (37), this detection is also include the detection of the first page or sheet supplied from the second cassette (37).

#### ***Allowable Subject Matter***

5. **Claims 2-7, 9 and 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

**Claim 2** has been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when a printing operation is performed for a first time after power up of the image forming apparatus, the controller controls the medium-width detector to detect the width of the page of print medium.

**Claim 3** has been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when print data has not been received for a predetermined time length after a last reception of print data the controller controls the medium-width detector to detect the width of the page of print medium.

**Claims 4-6** have been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when a printing operation is performed for a first time after failure of transport of the print medium occurs, the controller controls the medium-width detector to detect the width of the page of print medium.

**Claim 7** has been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when a medium feeding mode is switched from one mode to another the controller controls the medium-width detector to detect the width of the page of print medium.

**Claim 9** has been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when printing is performed on a following page of two consecutive pages of print medium, the

controller controls the medium-width detector to detect the width of the following page if the following page has a size different from a preceding page of the two consecutive pages of print medium.

**Claim 10** has been indicated for allowance because the prior art fails to teach the entire combination of an image forming apparatus including when printing is performed on a following page of two consecutive pages of print medium, the controller controls the medium width detector to detect the width of the following page if the print is performed on the following page in a direction different from a preceding page of the two consecutive pages of print medium.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant attention is invited to the patents to Suzuki (US # 5,464,204), Sugimoto (US # 6,674,981), Motoyama (JP 07-277550) and Tamura (JP 10-016345).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC  
27 June 2005

  
**MINH CHAU**  
**PRIMARY EXAMINER**